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Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 4 September 2008 from the Permanent Mission of Mexico to the United Nations addressed to the Secretariat of the United Nations

The Permanent Mission of Mexico to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to inform it that the Government of Mexico has decided to present its candidacy to the Human Rights Council for the term 2009-2012 at the elections to be held in May 2009 by the General Assembly.

In this regard, please find enclosed herewith, in support of Mexico's candidacy, the document entitled "Pledges and contributions of Mexico to the promotion and protection of human rights" (see annex).

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Annex to the note verbale dated 4 September 2008 from the Permanent Mission of Mexico to the United Nations addressed to the Secretariat of the United Nations

[Original: English]

Candidacy of Mexico to the United Nations Human Rights Council (2009-2012)

Pledges and contributions of Mexico for the promotion and protection of human rights

I. Mexico's role in the promotion and protection of human rights

The strengthening of the international human rights system constitutes a high priority for the Mexican Government.

Mexico is fully committed to the consolidation of the Human Rights Council as the primary organ of the United Nations entrusted with the promotion and protection of human rights globally. This has been consistent with Mexico's commitment to the Council's institution-building during its first year of operation.

The Mexican Government is convinced of the importance of promoting the highest international human rights standards and favours their development through an active participation in the different forums of the international human rights system.

The Mexican Government is also convinced of the importance of maintaining a permanent policy of openness and cooperation with international human rights bodies, organs and mechanisms.

Mexico's interaction with the international human rights system facilitates the strengthening of the legal and institutional framework for the promotion and protection of human rights, as well as the increase of national capacities on this issue.

II. Mexico's contributions in favour of human rights

A. Contributions at the international level

1. Active participation in international human rights forums

Our country was honoured by the election of Ambassador Luis Alfonso de Alba as President of the Human Rights Council from 19 June 2006 to 18 June 2007. During its first year of work, the Council made relevant decisions regarding its institution-building and the adoption of the international instruments on enforced disappearances and the rights of indigenous peoples.

Mexico promotes the highest international human rights standards. Both in the Human Rights Council and in the United Nations General Assembly, Mexico has advanced important initiatives related to the rights of women, the rights of indigenous peoples, migrants and persons with disabilities and the respect for human rights in the fight against terrorism, which have been adopted by consensus in most cases. Mexico has also co-sponsored important resolutions on relevant

subjects, such as the one regarding the establishment of a moratorium on the application of the death penalty.

Mexico actively supported and voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Mexico has actively participated in the sessions of the Human Rights Council, collaborating closely with its institutions and specialized mechanisms. It has promoted dialogue with all States under review by the universal periodic review mechanism, maintaining a constructive approach at all times, in order to favour the effective promotion and protection of human rights and promote international cooperation to that end.

The Mexican Government has undertaken with particular interest the drafting process of the national report to be submitted under the aforementioned mechanism, especially focusing its efforts on sustaining broad consultations with all relevant stakeholders, including civil society.

2. Full cooperation with international human rights mechanisms and other relevant stakeholders:

Mexico maintains a standing and open invitation to all international human rights mechanisms, both regional and universal, to visit the country.

During 2007 and 2008, Mexico received visits under the following mechanisms:

(a) The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (2008);

(b) Mr. Jorge Bustamante, Special Rapporteur on the human rights of migrants (2008);

(c) Mrs. Louise Arbour, United Nations High Commissioner for Human Rights (2008);

(d) Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, and Mr. Miloon Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (private visit) (2007);

(e) On two occasions, Dr. Florentin Meléndez, President of the Inter-American Commission on Human Rights and Rapporteur for Mexico (2007);

(f) Mr. Jacob Kellenberger, President of the International Committee of the Red Cross (2007);

(g) Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography (2007).

Additionally, representatives of civil society visited Mexico; visits by the Secretary General of Amnesty International, the director of the Americas division of Human Rights Watch, the Human Rights Defenders programme of the World Organization Against Torture, Peace Brigades International, and the International Federation for Human Rights were of particular relevance.

3. Cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR):

In 2002, the Mexican Government invited the Office of the United Nations High Commissioner for Human Rights to establish a representation office in the country, in response to the need to strengthen the international human rights system and as a means for supporting further advancement on this subject.

On 6 February 2008, Mexico and OHCHR subscribed an agreement to carry on with its activities in Mexico until 2011. Furthermore, it establishes that the Office:

(a) Will closely follow up on the human rights situation in the country;

(b) Will provide the Government with technical assistance on this issue;

(c) May advise other stakeholders that require it, including local governments, and national and local human rights bodies, among others.

To this day, Mexico has received three visits from heads of OHCHR — two from Mrs. Mary Robinson (2000 and 2002) and one from Mrs. Louise Arbour (February 2008).

4. Cooperation with the International Committee of the Red Cross (ICRC):

In 1998, the ICRC representation office in Mexico was established, becoming as from 1 June 2002 a regional delegation for Mexico, Central America and the Caribbean.

On 12 June 2008, the Mexican Government, through the Ministry of Public Security, signed a cooperation agreement with ICRC, in which the basis for training and certification of federal police personnel in the legitimate use of force and firearms, as well as in procedures of arrest and detention, were established, under unrestricted respect of human rights.

5. Mexico is party to all international[a] and regional[b] human rights instruments and cooperates closely with their monitoring bodies.

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[a] The International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Rights of the Child and its two Optional Protocols; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance (not yet in force).

[b] The American Convention on Human Rights (Pact of San José); the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; the Inter-American Convention to Prevent and Punish Torture; the Inter-American Convention on Forced Disappearance of Persons; the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador); the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

Mexico is party to all international human rights instruments and their optional protocols, as well as to the regional instruments on the subject.

Mexico has accepted the competence of all human rights treaty supervisory and monitoring bodies,[5] including their competence to receive individual communications.

In compliance with Mexico's pledges for its election to the Human Rights Council in 2006, the following international human rights instruments have been ratified:

- The International Convention for the Protection of All Persons from Enforced Disappearance (March 2008);
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol (December 2007);
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (September 2007);
- The Protocol to the American Convention on Human Rights to Abolish the Death Penalty (August 2007).

B. Contributions at the national level

1. Legislative harmonization — high-priority attention to legislative harmonization in human rights matters

In recent years, the Mexican Government has approved important legislative amendments, in order to incorporate international human rights standards into national legislation, among which the following stand out:

(a) In June 2008, the Constitution was amended in aspects regarding public security and criminal justice to modernize the justice system. The amendment:

(i) Incorporates the principles of publicity, contradiction, concentration, continuity and intermediation, characterized by adversarial and oral proceedings, into the criminal justice system;

(ii) Includes the presumption of innocence as a fundamental element of due process;

(iii) Sets the grounds for a more efficient and professional public defence in order to guarantee access to justice in a more equitable and expeditious manner;

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[5] The Human Rights Committee, through the Optional Protocol to the International Covenant on Civil and Political Rights; the Committee on the Elimination of Discrimination against Women, through the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women; the Committee against Torture, through the acceptance of article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Committee on the Elimination of Racial Discrimination, through the acceptance of article 13 of the International Convention on the Elimination of All Forms of Racial Discrimination; the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of the Child; the Committee on the Rights of All Migrant Workers and Members of Their Families; the Committee on the Rights of Persons with Disabilities.

(iv) Foresees the participation of a control judge empowered to decide immediately on the application of provisional and precautionary measures;

(v) Establishes the Public Security National System at a constitutional level, in order for the three levels of Government to unify rules for the training, evaluation and certification of police forces throughout the country;

(b) In November 2007, a constitutional amendment on electoral issues was passed. Its main purpose was to strengthen the autonomy, powers and authority of the Federal Electoral Institute and of the Electoral Tribunal of the Federal Judicial Power, diminishing significantly the cost of electoral campaigns and designing a new communication model between society and political parties;

(c) In November 2007, the Law to Prevent and Punish Human Trafficking entered into force. Primarily, this legislation aims at the prevention and punishment of the crime, as well as the provision of protection, attention, assistance and reparation to crime victims;

(d) In July 2007, the constitutional amendment regarding free access to public information, personal data or its modification by all individuals entered into force. It contemplates the principle of maximum publicity in the interpretation of the right of access to information, as well as expeditious revision mechanisms and procedures related to the exercise of such right;

(e) In April 2007, legislative amendments were passed to protect and guarantee freedom of speech by removing slander, defamation and libel as crimes;

(f) In February 2007, the General Law on Access of Women to a Life Free of Violence entered into force guaranteeing adequate attention, punishment and eradication of violence against women. The law contemplates the adoption of provisional and precautionary measures to such end, as well as mechanisms for reparation to crime victims;

(g) In December 2005, the Constitution was amended to permanently abolish the death penalty in Mexico, even though it had not been applied de facto in the country.

2. Institutional strengthening — strengthening of institutions and public policy design on human rights issues:

During the last few years, Mexico has strengthened its institutions and the design of public policies on human rights at the national level. For that purpose, different actions have been carried out, among which the following stand out:

(a) The 2007-2012 national development plan, in which specific strategies of the Mexican Government on human rights issues are established:

(i) Updating of the national human rights legal framework;

(ii) Incorporation into the Federal Public Administration of a programme to strengthen the promotion and protection of human rights;

(iii) Prioritizing attention to vulnerable groups, in order to prevent the violation of their human rights;

(iv) Promotion of a human rights culture through campaigns to disseminate its scope, facilitating a growing awareness of human rights among all citizens and guaranteeing its effective defence;

(b) The 2008-2012 national human rights programme, effective since August 2008, aims at:

(i) The strengthening of the human rights perspective in public policies;

(ii) The strengthening and institutionalization of legal and administrative mechanisms for the promotion and protection of human rights;

(iii) The consolidation of a culture of promotion and defence of human rights;

(iv) The effective compliance with all international obligations by the three branches and levels of government;

(c) The second phase of the programme for cooperation on human rights with the European Commission began in August 2008, after the successful conclusion of the first phase in 2007;

(d) The founding, in January 2008, of the Special Prosecutor for Crimes of Violence against Women and Human Trafficking, with additional powers. The Prosecutor's mandate includes the investigation and prosecution of crimes contemplated in the Law to Prevent and Punish Human Trafficking and acts of violence against women under federal competence;

(e) The creation of the Human Rights Division of the Ministry of Defence in January 2008, adding to other specialized human rights federal institutions;

(f) The establishment and implementation of the national mechanism for the prevention of torture within the national Human Rights Commission in July 2007, in compliance with the Optional Protocol of the Convention against Torture;

(g) The continuity of the work of the Commission on Governmental Policy on Human Rights as an ideal dialogue channel between Government and civil society regarding human rights public policies.

III. Voluntary pledges and commitments

In the Human Rights Council, Mexico is committed to:

A. Enhancing its efforts to achieve an effective consolidation of the Human Rights Council as the primary organ of the United Nations entrusted with the promotion and protection of human rights in the world, in view of its revision in 2011. For this purpose, it intends to:

1. Maintain an active and constructive participation in all Human Rights Council organs and mechanisms;

2. Cooperate constructively within the Council's universal periodic review mechanism;

3. Favour the independence of the human rights special procedures system;

4. Promote the Council's effective and prompt response to situations in which gross and systematic violations of human rights are observed;

5. Encourage an objective treatment of human rights situations in specific countries.

B. At the national level, Mexico commits to:

1. Maintain the standing and open invitation to all international human rights bodies, organs and mechanisms to visit the country;

2. Cooperate in a constructive manner with international human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights in Mexico, to reinforce national efforts on the subject;

3. Promote legislative harmonization of Mexican laws with international human rights standards, including in the areas of non-discrimination and gender perspectives;

4. Make further national structural changes regarding human rights in collaboration with the international system, particularly in the areas of institutional strengthening, training of public officials, dissemination of the human rights culture and improvement of the dialogue with civil society;

5. Continue efforts to eradicate poverty at the national level through a social policy including such elements as sustainable development, social cohesion and increased individual productivity in order to achieve better employment opportunities and income;

6. Guarantee that the use of the army in combating organized crime is temporary and in accordance with its constitutional duty to safeguard national security and cooperation to preserve the safety of Mexican citizens, as well as to abide by Mexico's international commitments, in particular in the area of human rights.